

Date

Ben Castoriano
2408 State Street
New Orleans, Louisiana 70118

Re: Ethics Board Docket No. 2016-109

Dear Mr. Castoriano:

The Louisiana Board of Ethics, at its March 18, 2016 Board meeting, considered your request for an advisory opinion regarding whether a former facilities committee member for Lycee Francais de la Nouvelle Orleans (LFNO) may be employed by Eskew+Dumez+Ripple (EDR) if EDR is the winning bid on a project with LFNO. Shawn Preau resigned as a member of LFNO's facilities committee on February 4, 2016. Prior to his resignation, Mr. Preau's employer, EDR, submitted a bid on a proposal to LFNO for the renovation of the Alfred Priestly Building. Mr. Preau disclosed his conflict of interest at the next facilities committee meeting and formally recused himself. You stated that Mr. Preau has no ownership interest in EDR. Further, he would not perform any work on the project if EDR were to be successful in its bid.

The Board concluded and instructed me to inform you that the Code of Governmental Ethics (Code) would not prohibit Mr. Preau from being employed by EDR if EDR were to have a contract with LFNO. La. R.S. 42:1121A(2) provides that no former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission. Further, La. R.S. 42:1121B(1) provides that no former employee shall, for two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed. Since Mr. Preau lacks ownership interest in EDR and will not perform any services if EDR is the successful bidder, Mr. Preau would not be prohibited from being employed by EDR.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Brett Robinson

For the Board

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THIS IS NOT AN OPINION OF THE BOARD OF
ETHICS